

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

MILLER, et. al.,)	
)	
Plaintiffs,)	
)	
v.)	Case No. 4:04CV981 RWS
)	
PHARMACIA CORPORATION,)	
)	
Defendant.)	


MEMORANDUM AND ORDER

This matter is before me on Defendant's Motion to Strike [#45]. Defendant moved to strike certain portions of Plaintiffs' reply to Defendant's response in opposition to Plaintiffs' motion for partial summary judgment. Defendant contends that Plaintiffs improperly introduced new facts and new issues in the reply brief. Although Defendant's motion to strike may have merit, I will deny it without prejudice because it is moot. I have decided Plaintiffs' motion for partial summary judgment, and I did not find the additional issues or facts presented in Plaintiffs' reply brief to be dispositive to the motion.

Accordingly,

IT IS HEREBY ORDERED that Defendant's Motion to Strike [#45] is denied as **MOOT**.

Dated this 8th Day of July, 2005.



RODNEY W. SIPPEL
UNITED STATES DISTRICT JUDGE